

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES PERRY and DOMINQUE YARBRO,

Plaintiffs,

Case Number 07-14036
Honorable David M. Lawson

v.

WILLIAM OLSEN and DARRYL COSBY,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO
STRIKE PLAINTIFF'S WITNESS LIST**

The matter is before the Court on the defendants' motion to strike the witness list filed by the plaintiffs on October 25, 2012. The defendants' motion does not indicate whether counsel for the defendants sought concurrence in the relief requested from counsel for the plaintiffs, as defendants' counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendants do not state in their motion that concurrence was sought from the plaintiffs before filing the motion. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The

defendants have filed their motion in violation of the applicable rules. Therefore, the Court will deny the defendants' motion.

Accordingly, it is **ORDERED** that the defendants' motion to strike the plaintiffs' witness list [dkt. #114] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: November 19, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 19, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL